

Serial No. 10/798,592

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STATUS OF THE CLAIMS:

Claims 1-39 are pending herein. Claims 23-39 are withdrawn.

Support for the amendment to claim 7 can be found, for example, in claim 21 as well as throughout the specification (see, e.g., paragraph [0020]).

REMARKS

Restriction was required to one of the following allegedly distinct inventions:

- I. Claims 1-22, drawn to a medical article comprising first and second nitric oxide donor compounds, classified in class 424, subclass 449;
- II. Claims 23-34, drawn to a method of treating an atherosclerotic lesion comprising exposing the lesion to a first concentration of nitric oxide and subsequently exposing the lesion to a second concentration of nitric oxide, classified in class 424, subclass 443;
- III. Claims 35-39, drawn to a method for increasing local nitric oxide concentration within two or more bodily tissues, classified in class 424, subclass 423.

Applicant elects the Group I claims, i.e. claims 1-22, without traverse, for initial prosecution on the merits.

Pursuant to 35 U.S.C. 121, election of a single disclosed species for prosecution on the merits is also required. Applicant hereby elects the following:

Claim 2, applicant elects vascular medical devices.

Claim 3, applicant elects S-nitrosylated compounds.

Claim 6, applicant elects nitroso-N- acetylpenicillamine.

Claim 7, applicant elects S-nitrosoglutathione.

Claims 19 and 21, applicant elects S-nitrosothiol compounds for the first and second species, more particularly, S-nitroso-DL-penicillamine (an S-nitrosothiol compound) as the first nitric oxide donor compound and S-nitrosoglutathione (also an S-nitrosothiol compound) as the second nitric oxide donor compound. Applicant notes that

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claim 19 is generic to claim 21, so election *between* claims 19 and 21 would be improper.
See MPEP 806.04(f).

Claims 1-22 are readable on the above-elected species.

CONCLUSION

Applicants submit that the claims of the present invention are in condition for allowance, early notification of which is earnestly solicited. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues be resolved.

FEES

The Office is authorized to charge any fees required to deposit account number 50-1047.

Respectfully submitted,



Keum J. Park
Registration No. 42,059

Attorney for Applicant
Mayer & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel.: 908-518-7700
Fax: 908-518-7795

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Marjorie Scariati

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